

UNITED STATES OF AMERICA,)
)
)
 vs.)
)
 ABDULLAH FAKIH,)
 Defendant.)

THIS MATTER is before the Court on the Defendant’s “Motion To Sever Or Exclude Co-Defendants’ Statements,” filed August 18, 2008. (Document #37) On September 2, 2008, the Government filed a written response conceding that severance will, in fact, be required in the event Fakhri’s co-defendants do not tender guilty pleas prior to commencement of trial.¹ (Document #41)

“If the joinder of offenses or defendants in an indictment, an information, or a consolidation for trial appears to prejudice a defendant or the government, the court may order separate trials of counts, sever the defendants’ trials, or provide whatever other relief justice requires.”

According to the Government, “[s]tatements made by Fakih’s co-defendants about Fakih’s role in the bank robbery directly implicate him as a major participant ...” and “no amount of redaction of[Fakih’s co-defendants’] statements will cure any potential *Bruton* issues.”² (Response, ¶6) For the reasons advanced *by both parties*, this Court will grant the Defendant’s Motion to Sever.

² See Bruton v. United States, 391 U.S. 123 (1968).

IT IS, THEREFORE, ORDERED that Defendant Abdullah Fakihi's Motion to Sever is hereby **GRANTED**. For purposes of trial, Defendant Fakihi's case will be severed and, therefore, tried separately and independently of any trial that might occur with respect to his Co-Defendants, Anthony Fleetwood, Demond Dixon, and William Dixon.

Signed: October 1, 2008

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is fluid and cursive, with the first name "Richard" and last name "Voorhees" clearly legible.

Richard L. Voorhees
United States District Judge

